

S. _____ "The Childhood Obesity Reduction Act"
Section by Section Summary
June 28, 2005

Title I – Congressional Council on Childhood Obesity

Section 101: This section establishes a Congressional Council on Childhood Obesity to encourage elementary and middle schools to develop and implement plans to reduce obesity, promote improved nutritional choices and increased physical activity among students, and to provide information to secondary schools.

Section 102: Membership of the Council: The Council will have eight members which include the House and Senate Majority and Minority leaders or their designees, and four experts in child health, nutrition, or physical activity. Each Congressional member of the Council may appoint one of the four experts. The Council chooses its Chairperson from the members of the Council. Appointments and the first meeting must be made within 120 days of enactment. The Council exists for two full fiscal years.

Section 103: Responsibilities of the Council are to: (1) work with outside experts to develop the Congressional Challenge to Reduce and Prevent Childhood Obesity; (2) develop and maintain a website about best practices and successful plans; (3) assist in helping elementary schools and middle schools in establishing goals for the healthy reduction of childhood obesity; (4) consult and coordinate with the President's Council on Physical Fitness or other federal government agencies concerning activities to reduce childhood obesity; (5) reward schools promoting innovative successful strategies in reducing and preventing childhood obesity; and (6) provide information to secondary schools about reducing or preventing obesity.

The Council will evaluate and then designate plans submitted as Congressional Challenge Winners. Successful plans will be posted on the Council's website to serve as models that other schools may use or adapt. To be a Congressional Challenge Winner, the plans must be based on evaluated interventions; the number of children in the community in need of assistance and the potential impact of the plan must be considered, the involvement of the community, and other criteria as determined by the Council.

Section 104: *Administrative Matters:* Council members do not receive a salary, but may be reimbursed for travel and other reasonable expenses. The Chairperson of the Council may appoint staff, but not more than five staff.

Section 105: *Termination of the Council:* The Council will terminate on September 30 of the second full fiscal year following the date of enactment of the Act.

Section 106: *Authorization of Appropriations:* This section authorizes \$2.2 million to the Council for each of fiscal years 2006 and 2007.

Title II – The National Foundation for the Prevention and Reduction of Childhood Obesity

Section 201: Establishes a nonprofit, private foundation with an endowment fund which shall be able to accept donations from non-Federal entities.

The Foundation is to: (1) evaluate and make known the effectiveness of model plans used by schools to prevent and reduce obesity; (2) create a website for the distribution of successful plans, best practices and other information; (3) participate in meetings, conferences and training workshops; (4) assist in the distribution of data concerning childhood obesity; and (5) make “Challenge Awards” to elementary, middle schools and local educational agencies for the development and implementation of school based plans of the reduction and prevention of childhood obesity.

Structure of the Foundation: The Foundation shall be non-profit, have a board of directors, and appoint an executive director. The Board must establish bylaws that include ethical standards for the acceptance and disposition of donations and policies for the selection of officers and for the conduct of general operations, including writing, editing, and the printing and publishing of books and other materials.

Committee for Establishment of the Foundation: The Secretary of HHS may make a grant to a non-profit entity to establish a committee to incorporate the Foundation. In addition, the committee will appoint the initial members of the Board. The Board shall first meet no later than November 1, 2008. The Secretary shall provide a grant to a non-profit entity in FY 2006 for the purpose of establishing a transition committee to establish the Foundation. For FY 2007 and 2008, the Secretary shall make a grant to the committee establishing the Foundation for the purpose of continuing activities.

The Board of Directors: The Board will be composed of seven individuals who possess education or experience in child health, nutrition and physical fitness or are from organizations already active in reducing childhood obesity. The term of office of each member of the Board shall be five years. Board members may not receive compensation but may be reimbursed for travel and other necessary expenses for work related to duties of the Board.

Challenge Awards: The Foundation is to provide awards to schools, which must apply to receive an award. The selection criteria will be based on the success of the plans in meeting the plan’s stated goals; the number of children in the community served by the school and who are in need of assistance in addressing obesity; and other criteria as established by the Foundation.

Authority for accepting donations: The Secretary of Health and Human Services may accept donations from the Foundation for the purpose of aiding or facilitating the work of the Department.

Public Accountability and Liaisons with Federal agencies: The Foundation must publish a report by February 1 of each year describing the activities of the Foundation,

and the report shall be available to the public. The Secretary of HHS and of Agriculture may appoint liaisons to the Foundation. The Foundation shall ensure that the President's Council on Physical Fitness is included in the activities of the Foundation.

Authority for annual grants: The Secretary in FY2009 and subsequent years shall provide a grant to the Foundation. The amount of the Secretary's grants may be up to \$2.2 million each fiscal year.